

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant:	Brian N. Tufte	Confirmation No.:	2577
Serial No.	10/027,829	Examiner:	Igor N. Borissov
Filing Date:	October 19, 2001	Group Art Unit	3629
For:	METHOD AND SYSTEM FOR INCREASING THE PARTICIPATION OF CONTRIBUTORS TO A CHARITY OR OTHER NON-PROFIT		
Docket:	1076.1103101		

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this paper is being electronically transmitted to the United States Patent and Trademark Office on the date shown below.

<u>Lynn Thompson</u>	<u>December 28, 2007</u>
Lynn Thompson	Date

Pursuant to 37 C.F.R. § 41.37, Appellant hereby submits this Appeal Brief in furtherance of the Notice of Appeal filed on January 13, 2005. Please charge the fee prescribed by 37 C.F.R. § 41.2(b)(2) in the amount of \$250.00 to Deposit Account No. 50-0413. Permission is hereby granted to charge or credit Deposit Account No. 50-0413 for any errors in fee calculation.

TABLE OF CONTENTS

I.	REAL PARTY IN INTEREST	3
II.	RELATED APPEALS AND INTERFERENCES.....	3
III.	STATUS OF CLAIMS	3
IV.	STATUS OF AMENDMENTS	4
V.	SUMMARY OF CLAIMED SUBJECT MATTER	4
VI.	GROUND OF REJECTION TO BE REVIEWED ON APPEAL	10
VII.	ARGUMENT.....	10
A.	<u>Claims 10 and 20-23 comply with the requirements of 35 U.S.C. § 112, first paragraph.</u>	10
B.	<u>Claims 1-26 and 28 are clearly patentable over Project for Hope in view of Smith et al.</u>	13
	1. <i>Claims 1-19, 24-26 and 28</i>	13
	2. <i>Claim 20-23</i>	18
C.	<u>Claim 27 is clearly patentable over Project for Hope in view of Smith et al., and further in view Honorees.</u>	20
D.	<u>Claim 29 is clearly patentable over Project for Hope in view of Smith et al., and further in view of O'Donnell et al. (U.S. 2002/0013739).</u>	20
E.	<u>Claim 30 is clearly patentable over Project for Hope in view of Smith et al., and further in view of Burke (U.S. 6,876,971).</u>	21
F.	<u>Claim 32 is clearly patentable over Project for Hope in view of Price (U.S. 2002/0120539), and further in view of Smith et al.</u>	21
G.	<u>Conclusion</u>	22
VIII.	CLAIMS APPENDIX.....	24
IX.	EVIDENCE APPENDIX.....	29
V.	RELATED PROCEEDINGS APPENDIX.....	30

I. REAL PARTY IN INTEREST

The real party in interest is the inventor Brian N. Tuftle.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

III. STATUS OF CLAIMS

Claims 1-30 and 32 remain pending. Claims 31 and 33-36 have been previously canceled without prejudice.

Claims 10 and 20-23 stand finally rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claims 1-26 and 28 stand finally rejected under 35 U.S.C. §103(a) as being unpatentable over Episcopal Relief and Development; Project for Hope (hereinafter “Project for Hope”) in view of Smith et al.

Claim 27 stands finally rejected under 35 U.S.C. §103(a) as being unpatentable over Project for Hope in view of Smith et al., and further in view of 1999 National Honorees; Complete List of Make a Difference Day Awards (hereinafter “Honorees”).

Claim 29 stands finally rejected under 35 U.S.C. §103(a) as being unpatentable over Project for Hope in view of Smith et al., and further in view of O'Donnell et al. (U.S. 2002/0013739).

Claim 30 stands finally rejected under 35 U.S.C. §103(a) as being unpatentable over Project for Hope in view of Smith et al., and further in view of Burke (U.S. 6,876,971).

Claim 32 stands finally rejected under 35 U.S.C. §103(a) as being unpatentable over Project for Hope in view of Price (U.S. 2002/0120539), and further in view of Smith et al.

The rejections of all pending claims 1-30 and 32 are appealed herein.

IV. STATUS OF AMENDMENTS

No Amendments have been filed subsequent to the Final Office Action mailed July 24, 2007.

V. SUMMARY OF CLAIMED SUBJECT MATTER¹

The present invention relates generally to charities or other non-profits, and more particularly, to methods and systems for increasing the participation of contributors that provide donations to charities or other non-profits. By increasing the participation of the contributors, it is believed that the contributors will make more donations to the charities and other non-profits. Also, it may be easier to attract contributors to a particular charity or other non-profit, which may help the charity or other non-profit gain a greater market share of the limited charitable donations contributed each year.

In one illustrative embodiment, the participation of contributors may be increased by allowing the contributors to track their donations, or goods and/or services assigned to their donations. Independent claim 1 recites a computer assisted method comprising: receiving either directly or indirectly a donation from a contributor (see, for example, specification, page 2, line 20 through page 3, line 4; page 7, line 1 through page 9, line 1; Figure 1; Figure 6A; page 13, lines 1-13; Figure 5, reference numbers 112, 114, 116, 118, 110; Figure 7, reference number 140; Figure 8, reference number 160; page 16, lines 4-17; Figure 9); assigning the donation to a

¹ The references to the specification and drawings provided herein are only illustrative and not limiting in any way.

delivery lot (see, for example, specification, page 3, lines 5-13; page 9, lines 2-24; page 13, line 23 through page 14, line 11; Figure 5, reference numbers 110, 118; Figure 6A, reference number 66; page 14, line 22 through page 15, line 2; Figure 7, reference number 148; page 15, lines 8-10; Figure 8, reference number 166; page 17, lines 3-7; page 17, line 23 through page 18, line 1); obtaining the location of the delivery lot at one or more points in time (see, for example, specification; page 2, lines 16-18; page 3, lines 14-15; page 6, lines 20-22; page 10, lines 1-11; page 14, lines 12-19; Figure 5, reference numerals 110 and 122; Figure 6B; page 15, lines 2-4; Figure 7, reference numeral 150; page 15, lines 17-23; Figure 8, reference numeral 170; page 18, lines 1-9); providing the location of the delivery lot to the contributor at one or more points in time (see, for example, specification; page 3, lines 15-20; page 6, lines 22-23; page 15, lines 2-4; Figure 3, reference numeral 84; Figure 4, reference numeral 100; Figure 5, reference numerals 110 and 112; Figure 6B; Figure 7, reference numeral 152; page 15, line 17 through page 16, line 3; Figure 8, reference numeral 174 and 176; page 16, lines 19-21; page 18, lines 1-9), wherein a computer processor assists in performing one or more of the receiving, assigning, obtaining and providing steps.

Claim 20, which is the next independent claim, recites a computer assisted method comprising: receiving either directly or indirectly two or more donations from two or more contributors (see, for example, specification, page 2, line 20 through page 3, line 4; page 7, line 1 through page 9, line 1; Figure 1; Figure 6A; page 13, lines 1-13; Figure 5, reference numbers 112, 114, 116, 118, 110; Figure 7, reference number 140; Figure 8, reference number 160; page 16, lines 4-17; Figure 9), wherein the two or more donations are not initially designated as corresponding to any particular delivery lot (see, for example, specification, page 3, lines 5-13; page 6, lines 18-20; page 9, lines 2-14; page 11, lines 15-17; Figure 4, reference numeral 100;

page 13, line 23 through page 14, line 11; page 14, line 21 through page 15, line 2; Figure 7, reference numeral 148; page 15, lines 8-10; Figure 8, reference numeral 168); assigning each donation to one of a number of delivery lots (see, for example, specification, page 3, lines 5-13; page 9, lines 2-24; page 13, line 23 through page 14, line 11; Figure 5, reference numbers 110, 118; Figure 6A, reference number 66; page 14, line 22 through page 15, line 2; Figure 7, reference number 148; page 15, lines 8-10; Figure 8, reference number 166; page 17, lines 3-7; page 17, line 23 through page 18, line 1); obtaining the location of each delivery lot at one or more points in time (see, for example, specification; page 2, lines 16-18; page 3, lines 14-15; page 6, lines 20-22; page 10, lines 1-11; page 14, lines 12-19; Figure 5, reference numerals 110 and 122; Figure 6B; page 15, lines 2-4; Figure 7, reference numeral 150; page 15, lines 17-23; Figure 8, reference numeral 170; page 18, lines 1-9); providing the location of a delivery lot to one or more contributors at one or more points in time, each contributor receiving the location of the delivery lot(s) that correspond to the contributor's donation(s) (see, for example, specification; page 3, lines 15-20; page 6, lines 22-23; page 15, lines 2-4; Figure 3, reference numeral 84; Figure 4, reference numeral 100; Figure 5, reference numerals 110 and 112; Figure 6B; Figure 7, reference numeral 152; page 15, line 17 through page 16, line 3; Figure 8, reference numeral 174 and 176; page 16, lines 19-21; page 18, lines 1-9); wherein a computer processor assists in performing one or more of the receiving, assigning, obtaining and providing steps (see, for example, specification; page 12, line 11 through page 14, line 19; Figure 5).

Claim 24 recites a system comprising: means for receiving either directly or indirectly a donation from a contributor (see, for example, specification, page 2, line 20 through page 3, line 4; page 7, line 1 through page 9, line 1; Figure 1; Figure 6A; page 13, lines 1-13; Figure 5, reference numbers 112, 114, 116, 118, 110; Figure 7, reference number 140; Figure 8, reference

number 160; page 16, lines 4-17; Figure 9); means for assigning the donation to a delivery lot (see, for example, specification, page 3, lines 5-13; page 9, lines 2-24; page 13, line 23 through page 14, line 11; Figure 5, reference numbers 110, 118; Figure 6A, reference number 66; page 14, line 22 through page 15, line 2; Figure 7, reference number 148; page 15, lines 8-10; Figure 8, reference number 166; page 17, lines 3-7; page 17, line 23 through page 18, line 1); means for obtaining the location of the delivery lot at one or more points in time (see, for example, specification; page 2, lines 16-18; page 3, lines 14-15; page 6, lines 20-22; page 10, lines 1-11; page 14, lines 12-19; Figure 5, reference numerals 110 and 122; Figure 6B; page 15, lines 2-4; Figure 7, reference numeral 150; page 15, lines 17-23; Figure 8, reference numeral 170; page 18, lines 1-9); and means for providing the location of the delivery lot to the contributor at one or more points in time (see, for example, specification; page 3, lines 15-20; page 6, lines 22-23; page 15, lines 2-4; Figure 3, reference numeral 84; Figure 4, reference numeral 100; Figure 5, reference numerals 110 and 112; Figure 6B; Figure 7, reference numeral 152; page 15, line 17 through page 16, line 3; Figure 8, reference numeral 174 and 176; page 16, lines 19-21; page 18, lines 1-9).

Claim 25 recites a computer assisted method comprising: assigning selected donations to a common delivery lot for delivery to an ultimate destination (see, for example, specification, page 3, lines 5-13; page 9, lines 2-24; page 13, line 23 through page 14, line 11; Figure 5, reference numbers 110, 118; Figure 6A, reference number 66; page 14, line 22 through page 15, line 2; Figure 7, reference number 148; page 15, lines 8-10; Figure 8, reference number 166; page 17, lines 3-7; page 17, line 23 through page 18, line 1); reporting information relating to the delivery of the delivery lot directly to those contributors whose donations have been assigned to the delivery lot (see, for example, specification; page 3, lines 15-20; page 6, lines 22-23; page

15, lines 2-4; Figure 3, reference numeral 84; Figure 4, reference numeral 100; Figure 5, reference numerals 110 and 112; Figure 6B; Figure 7, reference numeral 152; page 15, line 17 through page 16, line 3; Figure 8, reference numeral 174 and 176; page 16, lines 19-21; page 18, lines 1-9); and wherein a computer processor assists in performing one or more of the assigning and reporting steps (see, for example, specification; page 12, line 11 through page 14, line 19; Figure 5).

Claim 30 recites a computer assisted method comprising: displaying one or more delivery lots to a contributor that need to be funded (see, for example, page 16, lines 5-13; Figure 9); accepting a selection of one or more of the available delivery lots by the contributor, and accepting a donation thereto (see, for example, page 16, lines 13-17; Figure 9); sending a funded delivery lot once the delivery lot is fully funded (see, for example, page 16, lines 18-19; Figure 9); obtaining location information for the funded delivery lot after the funded delivery lot is sent (see, for example, specification; page 2, lines 16-18; page 3, lines 14-15; page 6, lines 20-22; page 10, lines 1-11; page 14, lines 12-19; Figure 5, reference numerals 110 and 122; Figure 6B; page 15, lines 2-4; Figure 7, reference numeral 150; page 15, lines 17-23; Figure 8, reference numeral 170; page 18, lines 1-9); providing the location information to those contributors that provided donations to the funded delivery lot (see, for example, specification; page 3, lines 15-20; page 6, lines 22-23; page 15, lines 2-4; Figure 3, reference numeral 84; Figure 4, reference numeral 100; Figure 5, reference numerals 110 and 112; Figure 6B; Figure 7, reference numeral 152; page 15, line 17 through page 16, line 3; Figure 8, reference numeral 174 and 176; page 16, lines 19-21; page 18, lines 1-9); and wherein a computer processor assists in performing one or more of the displaying, accepting, sending, obtaining and providing steps (see, for example, specification; page 12, line 11 through page 14, line 19; Figure 5).

Finally, claim 32 recites a computer assisted method comprising: receiving either directly or indirectly a donation from a contributor (see, for example, specification, page 2, line 20 through page 3, line 4; page 7, line 1 through page 9, line 1; Figure 1; Figure 6A; page 13, lines 1-13; Figure 5, reference numbers 112, 114, 116, 118, 110; Figure 7, reference number 140; Figure 8, reference number 160; page 16, lines 4-17; Figure 9); wherein the donation is not initially designated as corresponding to any particular delivery lot of a charity or other non-profit (see, for example, specification, page 3, lines 5-13; page 6, lines 18-20; page 9, lines 2-14; page 11, lines 15-17; Figure 4, reference numeral 100; page 13, line 23 through page 14, line 11; page 14, line 21 through page 15, line 2; Figure 7, reference numeral 148; page 15, lines 8-10; Figure 8, reference numeral 168); assigning the donation to a delivery lot (see, for example, specification, page 3, lines 5-13; page 9, lines 2-24; page 13, line 23 through page 14, line 11; Figure 5, reference numbers 110, 118; Figure 6A, reference number 66; page 14, line 22 through page 15, line 2; Figure 7, reference number 148; page 15, lines 8-10; Figure 8, reference number 166; page 17, lines 3-7; page 17, line 23 through page 18, line 1); providing an indication to the contributor that indicates which delivery lot the contributor's donation has been assigned to by the assigning step (see, for example, specification, page 3, lines 21-22; page 4, lines 13-20; page 9, lines 15-17; page 10, line 12 through page 12, line 10; Figures 3-4); obtaining the location of the delivery lot at one or more points in time (see, for example, specification; page 2, lines 16-18; page 3, lines 14-15; page 6, lines 20-22; page 10, lines 1-11; page 14, lines 12-19; Figure 5, reference numerals 110 and 122; Figure 6B; page 15, lines 2-4; Figure 7, reference numeral 150; page 15, lines 17-23; Figure 8, reference numeral 170; page 18, lines 1-9); providing the location of the delivery lot either directly or indirectly to the contributor (see, for example, specification; page 3, lines 15-20; page 6, lines 22-23; page 15, lines 2-4; Figure 3, reference numeral 84;

Figure 4, reference numeral 100; Figure 5, reference numerals 110 and 112; Figure 6B; Figure 7, reference numeral 152; page 15, line 17 through page 16, line 3; Figure 8, reference numeral 174 and 176; page 16, lines 19-21; page 18, lines 1-9); and wherein a computer processor assists in performing one or more of the obtaining and providing steps (see, for example, specification; page 12, line 11 through page 14, line 19; Figure 5).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 10 and 20-23 comply with the requirements of 35 U.S.C. § 112, first paragraph.

Whether claims 1-26 and 28 are patentable over Project for Hope in view of Smith et al.

Whether claim 27 is patentable over Project for Hope in view of Smith et al., and further in view of Honorees.

Whether claim 29 is patentable over Project for Hope in view of Smith et al., and further in view of O'Donnell et al. (U.S. 2002/0013739).

Whether claim 30 is patentable over Project for Hope in view of Smith et al., and further in view of Burke (U.S. 6,876,971).

Whether claim 32 is patentable over Project for Hope in view of Price (U.S. 2002/0120539), and further in view of Smith et al.

VII. ARGUMENT

A. Claims 10 and 20-23 comply with the requirements of 35 U.S.C. § 112, first paragraph.

On page 2 of the Final Office Action, the Examiner rejected claims 10 and 20-23 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

The Examiner states that the claims contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

Claim 10 recites: “A method according to claim 1 wherein the delivery lot includes cash or a cash equivalent.” The Examiner states that the specification does not provide any indication of “cash equivalent”. Appellant respectfully disagrees. It is well known that there are a variety of alternatives to paying cash. For example, it is well known, and was well known at the time the present application was filed, that funds may be transferred by check, money order, credit card, debit card, electronic wire transfer, etc. Although not using the exact phrase “cash equivalent”, the specification does identify a number of alternatives to cash, including checks and credit card transfers (see, for example, specification, page 7, lines 6-13), which one skilled in the art would clearly understand to be “cash equivalents”.

The Examiner’s position appears to be that one skilled in the art would not understand what is meant by “cash equivalents”, as recited in claim 10. Specifically with respect to claim 10, the Examiner’s position appears to be that one skilled in the art (and the inventor) would have only understood that a delivery lot provided by a charity could include cash (e.g. a suit case full of money), but not a cash equivalent such as a check, a money order, a credit card transfer, a debit card transfer, an electronic wire transfer, etc., despite the well known nature of cash equivalents in the art and the specific alternative cash equivalents expressed in the present specification. This flies in the face of logic, and is clearly unreasonable. In order to comply with the written description requirement, the specification must only reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Also, the subject matter of a claim need not be described literally (i.e., using

the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement. In view of the foregoing, the Examiner's rejection of claim 10 under 35 U.S.C. § 112, first paragraph, is clearly in error, and should be reversed.

Now turning to claim 20, which recites: "receiving either directly or indirectly two or more donations from two or more contributors, wherein the two or more donations are not initially designated as corresponding to any particular delivery lot". The Examiner states that the specification does not provide any support for the feature underlined above. Appellant respectfully disagrees. The present specification clearly describes embodiments where two or more donations are not initially designated as corresponding to any particular delivery lot. For example, the specification states:

Once the donation is received, the organization may assign the donation to a delivery lot of cash, goods and/or services. This may be accomplished by, for example, making a resource request to the database. The database may accumulate donations until the resource request is met. The donations may be accumulated using an algorithm such as First-In-First-Out (FIFO), Last-In-Last-Out (LIFO), or any other suitable algorithm or method. In some cases, donations totaling more than the resource request may be assigned to a delivery lot to compensate for the overhead of the organization. The donations that have been accumulated to meet the resource request may then be updated to include a pointer or other reference to the assigned delivery lot (emphasis added).

(Specification, page 3, lines 5-13). As can be seen from this passage, since the organization assigns a donation to a delivery lot after it is received, the donation must not have been initially assigned to any particular delivery lot. See also, for example: reference numeral 100 of Figure 4, where donation ID "N3389232" has not yet been assigned to a delivery lot; step 148 of Figure 7, which assigns a delivery lot number to those donations (plural) that have been accumulated to meet the resource request; and step 168 which assigns a delivery lot number to those donations (plural) that have been accumulated to meet the resource request. Clearly, the present specification reasonably conveys to one skilled in the relevant art that the inventor, at the time

the application was filed, had possession of “receiving either directly or indirectly two or more donations from two or more contributors, wherein the two or more donations are not initially designated as corresponding to any particular delivery lot”. For these and other reasons, the rejection of claims 20-23 under 35 U.S.C. § 112, first paragraph, is clearly in error, and should be reversed.

B. Claims 1-26 and 28 are clearly patentable over Project for Hope in view of Smith et al.

1. Claims 1-19, 24-26 and 28

On page 3 of the Final Office Action, the Examiner rejected claims 1-26 and 28 under 35 U.S.C. § 103(a) as being unpatentable over Project for Hope in view of Smith et al. The Examiner states that while Project for Hope indicates a “Completed” status of a project, thereby allegedly indicating a reporting step, Project for Hope does not teach that the reporting step includes obtaining the location of said delivery lot at one or more points in time during the delivery of said delivery lot; or providing the location of the delivery lot to the contributor at one or more points in time. To fill this gap, the Examiner turns to Smith et al. The Examiner states that Smith et al. teach a method for tracking of the delivery of items, including: obtaining the location of the delivery lot of goods at one or more points in time; and providing the location information of the delivery lot to the contributor (sender) (citing paragraphs [0009], [0018], [0019], [0050]). The Examiner concludes that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Projects for Hope to include delivering said delivery lot; and that said reporting step includes obtaining the location of the delivery lot at one or more points in time during the delivery of said delivery lot; and providing the location of the delivery lot to the contributor at one or more points in time as

disclosed by Smith et al., because it would advantageously provide the user with delivery status information at the convenience of the user's home without having the user to inquire for said information elsewhere, as specifically stated by Smith et al. (emphasis added). Appellant respectfully disagrees.

Claim 1 recites a specific computer assisted method:

1. A computer assisted method comprising the steps of:
receiving either directly or indirectly a donation from a contributor;
assigning the donation to a delivery lot;
delivering the delivery lot to one or more people in need;
obtaining the location of the delivery lot at one or more points in time; and
providing the location of the delivery lot to the contributor at one or more points in time;
wherein a computer processor assists in performing one or more of the receiving, assigning, obtaining and providing steps.

(emphasis added). Contrary to the Examiners assertions, neither Project for Hope nor Smith et al. teach, disclose or suggest many of the recited steps, nor do they teach the specific combination of steps.

Smith et al. relates to a mail delivery status system for use by senders and recipients. In Projects for Hope, the sender of the goods (e.g. delivery lot) is clearly the Projects for Hope organization, and not the contributor - whose only role is to make a donation to a designated project via the Project for Hope web-site. In Projects for Hope, the contributor (i.e. the person making the donation to the Project for Hope organization via the Project for Hope web-site) would clearly never see or touch the goods that are ultimately sent by the Projects for Hope organization to those in need. This would be self-evident to anyone, including to those skilled in the art.

As such, the sender of Smith et al. would clearly correspond to the Project for Hope charitable organization. That is, combining Smith et al. with Project for Hope would allow the Projects for Hope organization and the receiver (presumably an organization in, for example,

Mexico for project PH0001) to access the delivery status of mail pieces (e.g. delivery lots) sent by the Projects for Hope organization to the receiver. Smith et al. clearly do not disclose or suggest “providing the location of the delivery lot to the contributor at one or more points in time”, as recited in claim 1, particularly since the contributor is neither the sender nor receiver of a delivery lot of the Project for Hope organization.

As noted in MPEP § 2142, in order to establish a prima facie case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure. The contributors to the Project for Hope Web-site certainly do not “ship” anything to the ultimate destination (e.g. Mexico). Instead, the contributors merely provide a donation to a designated project via the Project for Hope web-site. It is clearly the Projects for Hope organization itself that actually packages and ships the goods to the ultimate destination. The entire purpose of the Project for Hope organization appears to be to collect donations from contributors, and then use those donations to purchase and ship goods to people in need. It would seem abundantly clear that neither the Projects for Hope reference, the Smith et al. reference, or a combination thereof, teaches, discloses or suggests the steps of: obtaining the location of the delivery lot at one or more points in time; and providing the location of the delivery lot to the contributor at one or more points in time, as recited in claim 1.

At the bottom of page 12 of the Final Office Action, and in the Response to Arguments section, the Examiner states:

In response to applicant’s argument that the sender of Smith would correspond to the charitable organization itself and not to the contributor, and therefore Smith does not teach “providing a location of the delivery lot to the contributor”, it is noted that Smith explicitly teaches obtaining the location of the

shipment (delivery lot of goods) at one or more points in time; and providing the location information of the delivery lot to the sender (contributor) [0009]; [0018]; [0019]; [0050]. Accordingly, contrary to applicant's argument, it is a shipping service provider in Smith which corresponds to the charitable organization in the instant invention (emphasis added).

The Examiner here again is attempting to take the completely unsupportable position that that the sender is the contributor. More specifically, the Examiner is attempting to assert that the shipping service provider in Smith et al. somehow corresponds to the charitable organization. This interpretation, however, is completely unsupported by any reading of the references, and is clearly conjured up after reading applicant's disclosure (i.e. based on improper hindsight). As noted above, Smith et al. relates to a mail delivery status system for use by senders and recipients. The paragraphs of Smith et al. cited by the Examiner are reproduced below:

[0009] The invention is a personal tracking and tracing system that provides a user with information relating to the delivery status of packages, catalogs or other mail pieces sent to or by the user through various catalog companies, delivery services, and/or the postal service. The system provides a user with information about the mail pieces through a personal web page, and thus, the user does not need to know identifying numbers for the respective mail pieces. Further, the user does not even need to know that a particular package has been sent before he or she learns through the personal tracking and tracing system to expect a delivery. The system updates the delivery status information, i.e., expected delivery dates, current locations and so forth, based on information supplied by the delivery companies and/or the postal service. Thus, to keep track of the changes to the delivery status, the user has only to check his or her web page rather than inquire at the various companies or the postal service and/or sort through e-mail messages from them (emphasis added).

Paragraph [0018] of Smith et al. states:

[0018] As will be seen from the detailed description of a specific embodiment herein, the system provides to a user such as to an intended recipient, whether an individual, a business or organization, etc., a personalized web page that contains delivery status information about mail pieces directed to or sent by the user. The web page also associates with the delivery status information for a given mail piece various related information, such as, the delivery mechanism, i.e., land or air or postal service; mail piece type; and, as appropriate, links to related on-line subscription or catalog offers, payment options and so forth. The table further includes an attachment field in which messages from the sender, postal service or

other delivery company may be linked to the mail piece delivery status information. (emphasis added).

Paragraph [0019] of Smith et al. states:

[0019] The delivery status information may be displayed in a table, with entries that are distilled from information provided by the sender, the postal system or other delivery services, and/or the intended recipient. Using the table, the user can readily track and trace the respective mail pieces from the date the mail pieces are provided to, for example, the postal service until the date the mail pieces are delivered by the postal service to the intended recipients. (emphasis added).

Paragraph [0050] of Smith et al. states:

[0050] The user may employ the linkage system of the invention from his or her home (e.g., via web browsers or clients accessible through the node 174) or from a postal station 176, 178. Thus, wherever the individual has access to the browser or client, the user can personally track and trace mail pieces for which he or she is identified as the sender or the intended recipient. (emphasis added).

As can readily be seen, Smith et al. relates to a system that provides mail status information for mail pieces that are directed to (i.e. recipient) or sent by (e.g. sender) the user (see, Smith et al., Abstract). See also, Smith et al.: paragraph [0023] (“The display is essentially a personal web page for the user identified by the user ID 26. The display includes a table 28 with entries 32 for the respective mail pieces that are directed to the user”); paragraph [0024] (“The user may instead view a table that contains information about mail pieces which were sent by the user”); paragraph [0037] (“the Postport system links the selected delivery options with the user ID, and thereafter, follows the delivery instructions with respect to mail pieces directed to the user”); paragraph [[0039] (“Referring now to FIG. 7, the Postport system also provides personal tracking and tracing of mail pieces sent by the user”); paragraph [0044] (“The Postport system can be thought of as giving a mail piece a digital shadow, that is, a link from the physical mail piece to information about the mail piece or associated with the mail piece by the sender, the postal service and/or the intended recipient”).

It is abundantly clear from the foregoing that Smith et al. relates to a mail delivery status system for use by senders and recipients of mail pieces. In Projects for Hope, the sender of the goods is clearly the Projects for Hope organization, and not the contributor - whose only role is making a donation via the Project for Hope web-site. Note that claim 1 recites the steps of “delivering the delivery lot to one or more people in need; obtaining the location of the delivery lot at one or more points in time; and providing the location of the delivery lot to the contributor at one or more points in time”. The contributor is clearly not one of the people in need (recipient). Nor does the contributor send the delivery lot to one or more people in need (sender). The sender of Smith et al. clearly corresponds to the Project for Hope organization itself, and not the contributor, as the Examiner appears to be suggesting.

Since none of the art cited by the Examiner teaches, discloses or suggests the step of providing the location of the delivery lot to the contributor, the Examiner’s rejection of claim 1 must fall (see MPEP § 2143 “Basic Requirements of a *Prima Facie* Case of Obviousness). In addition, the only motivation for selecting and combining Project for Hope and Smith et al. in the manner suggested by the Examiner appears to come from Appellants own disclosure, which is clearly improper. For these and other reasons, claim 1 is believed to be clearly patentable over Project for Hope in view of Smith et al. For similar and other reasons, claims 2-29 are also believed to be clearly patentable over Project for Hope in view of Smith et al.

2. *Claim 20-23*

For the same reasons given above with respect to claim 1, claim 20 is believed to be clearly patentable over Project for Hope in view of Smith et al. In addition, claim 20 recites the step of “receiving either directly or indirectly two or more donations from two or more contributors, wherein the two or more donations are not initially designated as corresponding to

any particular delivery lot” (emphasis added). The Examiner does not specifically address this step in the Final Office Action. Instead, and with respect to claim 20, the Examiner states:

“Project for Hope provides means for receiving donations from contributors, and means for assigning the donations to the selected by the contributor delivery lot (project) (Pages 7 and 9).”

That is, according to the Examiner, the contributors select a delivery lot (project) prior to making a donation via the Project for Hope web-site. Thus, the Examiner acknowledges that the donations made to the Project for Hope organization are all initially assigned to projects by the contributors. As such, even when using the Examiner’s own interpretation, the Project for Hope reference does not teach, disclose or suggest the step of “receiving either directly or indirectly two or more donations from two or more contributors, wherein the two or more donations are not initially designated as corresponding to any particular delivery lot”, as recited in claim 20. For these additional reasons, claim 20 is believed to be clearly patentable over Project for Hope in view of Smith et al.

In addition, claim 20 recites “each contributor receiving the location of the delivery lot(s) that correspond to the contributor’s donation(s)”. That is, claim 20 recites that each contributor’s donation is assigned to a delivery lot, and each contributor receives the location of the delivery lot(s) that correspond to the contributor’s donation(s). The Examiner has not addressed this feature of claim 20 in the Final Office Action. Nothing in Project for Hope or Smith et al., taken alone or in combination, would appear to suggest these features. As such, and for these additional reasons, claim 20 is believed to be clearly patentable over Project for Hope in view of Smith et al. For similar and other reasons, dependent claims 21-23 are also believed to be clearly patentable over Project for Hope in view of Smith et al.

C. Claim 27 is clearly patentable over Project for Hope in view of Smith et al., and further in view Honorees.

Claim 27 is dependent from claim 25. For the reasons set forth above, claim 25 is believed to be clearly patentable over Project for Hope in view of Smith et al. Honorees does not provide what Project for Hope and Smith et al. lack. As such, dependent claim 27 is believed to be clearly patentable over Project for Hope in view of Smith et al., and further in view Honorees.

D. Claim 29 is clearly patentable over Project for Hope in view of Smith et al., and further in view of O'Donnell et al. (U.S. 2002/0013739).

Claim 29 is dependent from claim 25. For the reasons set forth above, claim 25 is believed to be clearly patentable over Project for Hope in view of Smith et al. O'Donnell et al. do not provide what Project for Hope and Smith et al. lack. As such, claim 29 is believed to be clearly patentable over Project for Hope in view of Smith et al., and further in view O'Donnell et al.

In addition, claim 29 recites “providing a chat room so that the contributors that provided donations to a common delivery lot can communicate with each other.” The Examiner cites to paragraph [146] of O'Donnell et al. as suggesting such a chat room. Paragraph [146] of O'Donnell et al. states:

[0146] The database 10H can also include information for facilitating the making of anonymous donations, anonymous tips, anonymous information to law enforcement, public and/or private organizations and/or entities, anonymous rewards, anonymous internet service provider service, anonymous chat rooms, etc. The database 10H can also contain information for facilitating the making of anonymous confessions, the anonymous return of goods and/or funds, such as goods and/or funds obtained via theft, fraud, insurance fraud, etc. The database 10H can also contain information for facilitating the making of anonymous bids for contracts and/or anonymous bids in auctions.

While this paragraph states that the database 10H may include information for facilitating the making of anonymous chat rooms, it clearly does not suggest the specific step of providing a chat room so that the contributors that provided donations to a common delivery lot can communicate with each other, as recited in claim 29. For these additional reasons, claim 29 is believed to be clearly patentable over Project for Hope in view of Smith et al., and further in view O'Donnell et al.

E. Claim 30 is clearly patentable over Project for Hope in view of Smith et al., and further in view of Burke (U.S. 6,876,971).

Claim 30 recites:

30. A computer assisted method comprising the steps of:
displaying one or more delivery lots to a contributor that need to be funded;
accepting a selection of one or more of the available delivery lots by the contributor, and accepting a donation thereto;
sending a funded delivery lot once the delivery lot is fully funded;
obtaining location information for the funded delivery lot after the funded delivery lot is sent;
providing the location information to those contributors that provided donations to the funded delivery lot; and
wherein a computer processor assists in performing one or more of the displaying, accepting, sending, obtaining and providing steps.

(emphasis added). The Examiner does not assert that Burke discloses the steps of: obtaining location information for the funded delivery lot after the funded delivery lot is sent; or providing the location information to those contributors that provided donations to the funded delivery lot. As such, and for the same reasons detailed above with respect to claim 1, claim 30 is believed to be clearly patentable over Project for Hope in view of Smith et al., and further in view of Burke.

F. Claim 32 is clearly patentable over Project for Hope in view of Price (U.S. 2002/0120539), and further in view of Smith et al.

Claim 32 recites:

32. A computer assisted method comprising:
receiving either directly or indirectly a donation from a contributor,
wherein the donation is not initially designated as corresponding to any particular delivery lot of a charity or other non-profit;
assigning the donation to a delivery lot;
providing an indication to the contributor that indicates which delivery lot
the contributor's donation has been assigned to by the assigning step;
obtaining the location of the delivery lot at one or more points in time; and
providing the location of the delivery lot either directly or indirectly to the contributor;
wherein a computer processor assists in performing one or more of the obtaining and providing steps.

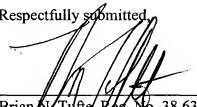
As detailed above, neither Project for Hope nor Smith et al. teach disclose or suggest receiving either directly or indirectly a donation from a contributor, wherein the donation is not initially designated as corresponding to any particular delivery lot of a charity or other non-profit; assigning the donation to a delivery lot; providing an indication to the contributor that indicates which delivery lot the contributor's donation has been assigned to by the assigning step; obtaining the location of the delivery lot at one or more points in time; and providing the location of the delivery lot either directly or indirectly to the contributor. Price does not provide what Project for Hope and Smith et al. lack. As such, claim 32 is believed to be clearly patentable over Project for Hope in view of Price and further in view of Smith et al.

G. Conclusion

For the reasons stated above, the rejections of claims 1-30 and 32 should be reversed.

Respectfully submitted,

Date: December 28, 2007



Brian N. Tufte, Reg. No. 38,638
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, Minnesota 55403-2420
Telephone: (612) 359-9348
Facsimile: (612) 359-9349

VIII. CLAIMS APPENDIX

1. A computer assisted method comprising the steps of:
receiving either directly or indirectly a donation from a contributor;
assigning the donation to a delivery lot;
delivering the delivery lot to one or more people in need;
obtaining the location of the delivery lot at one or more points in time; and
providing the location of the delivery lot to the contributor at one or more points in time;
wherein a computer processor assists in performing one or more of the receiving,
assigning, obtaining and providing steps.
2. A method according to claim 1 wherein the receiving step includes receiving
information related to the donation via the Internet.
3. A method according to claim 2 wherein the information includes a contributor's
name.
4. A method according to claim 2 wherein the information includes a contributor's
payment information.
5. A method according to claim 2 wherein the information includes a donation
preference.
6. A method according to claim 1 wherein the receiving step includes receiving
information related to the donation via the phone.
7. A method according to claim 1 wherein the receiving step includes receiving
information related to the donation via email.
8. A method according to claim 1 wherein the delivery lot includes food.

9. A method according to claim 1 wherein the delivery lot includes medicine.
10. A method according to claim 1 wherein the delivery lot includes cash or a cash equivalent.
11. A method according to claim 1 wherein the location of the delivery lot is provided in response to a request from the contributor.
12. A method according to claim 1 wherein the location of the delivery lot is provided via a web site that is accessible by the contributor.
13. A method according to claim 1 wherein the location of the delivery lot is automatically provided to the contributor at the one or more points in time.
14. A method according to claim 13 wherein the location of the delivery lot is provided to the contributor via e-mail.
15. A method according to claim 1 wherein the delivery lot includes one type of goods.
16. A method according to claim 1 wherein the delivery lot includes two or more types of goods.
17. A method according to claim 1 wherein each donation is assigned to a unique delivery lot.
18. A method according to claim 1 wherein two or more donations are assigned to a common delivery lot.

19. A method according to claim 1 wherein the obtaining step includes obtaining the location of the delivery lot at two or more points in time, each corresponding to a different location.

20. A computer assisted method comprising the steps of:
receiving either directly or indirectly two or more donations from two or more contributors, wherein the two or more donations are not initially designated as corresponding to any particular delivery lot;
assigning each donation to one of a number of delivery lots;
delivering the delivery lots to one or more people in need;
obtaining the location of each delivery lot at one or more points in time; and
providing the location of the delivery lots to one or more contributors at one or more points in time, each contributor receiving the location of the delivery lot(s) that correspond to the contributor's donation(s);
wherein a computer processor assists in performing one or more of the receiving, assigning, obtaining and providing steps.

21. A method according to claim 20 wherein each donation is assigned a unique ID, and each contributor provides or selects the unique ID to receive the location of the corresponding delivery lot(s).

22. A method according to claim 21 wherein each contributor provides or selects the unique ID via a web site.

23. A method according to claim 20 wherein the obtaining step includes obtaining the location of each delivery lot at two or more points in time, each corresponding to a different location.

24. A system comprising:
means for receiving either directly or indirectly a donation from a contributor;
means for assigning the donation of the contributor to a delivery lot;

means for obtaining the location of the delivery lot at one or more points in time; and
means for providing the location of the delivery lot to the contributor at one or more
points in time.

25. A computer assisted method comprising the steps of:
assigning selected donations to a common delivery lot for delivery to an ultimate
destination; and
reporting information relating to the delivery of the delivery lot directly to those
contributors whose donations have been assigned to the delivery lot;
wherein a computer processor assists in performing one or more of the assigning and
reporting steps.

26. A method according to claim 25 wherein the contributors include individuals.

27. A method according to claim 25 wherein the contributors include organizations
with organization members.

28. A method according to claim 25 wherein information relating to the delivery of
the delivery lot is reported to one or more members of the contributing organizations.

29. A method according to claim 25 further comprising the step of:
providing a chat room so that the contributors that provided donations to a common
delivery lot can communicate with each other.

30. A computer assisted method comprising the steps of:
displaying one or more delivery lots to a contributor that need to be funded;
accepting a selection of one or more of the available delivery lots by the contributor, and
accepting a donation thereto;
sending a funded delivery lot once the delivery lot is fully funded;
obtaining location information for the funded delivery lot after the funded delivery lot is
sent;

providing the location information to those contributors that provided donations to the funded delivery lot; and

wherein a computer processor assists in performing one or more of the displaying, accepting, sending, obtaining and providing steps.

31. (canceled)

32. A computer assisted method comprising:

receiving either directly or indirectly a donation from a contributor, wherein the donation is not initially designated as corresponding to any particular delivery lot of a charity or other non-profit;

assigning the donation to a delivery lot;

providing an indication to the contributor that indicates which delivery lot the contributor's donation has been assigned to by the assigning step;

obtaining the location of the delivery lot at one or more points in time; and

providing the location of the delivery lot either directly or indirectly to the contributor;

wherein a computer processor assists in performing one or more of the obtaining and providing steps.

33-36. (Canceled)

IX. EVIDENCE APPENDIX

No additional evidence has been presented.

X. RELATED PROCEEDINGS APPENDIX

No related proceedings